

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD MONDAY, MAY 5, 2008, AT 7:00 O'CLOCK P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH ST.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Catlin, Fairbanks, Fetty, Kerr, Lytle, Parde.
Absent: Councilmembers Witulski, Cook.

Mayor Schuster announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

Mayor Schuster recognized the Mayor for the Day students: Present to receive their certificates were Kaya Vonburg, Dillon Damme, Cole Workman, Tessa Hydo, and Elizabeth Stephens; absent was Stormy Montes.

Mayor Schuster read a proclamation proclaiming May as National Historic Preservation Month.

2 - Consent Agenda

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of April 21, 2008 as on file in the City Clerk's office.
- e. Approval of Treasurer's Report of Claims in the amount of \$351,416.76.
- f. Approval of BASWA Report of Claims in the amount of \$35,767.28.
- g. Approval of Special Designated Liquor Permit Application of Gibbs Place for Friday, May 30th, from 8:00 a.m. until 12:45 a.m., at 1301 Oak Street, for the Chamber of Commerce Golf Tournament.
- h. Approval of Special Designated Liquor Permit Application of Gibbs Place for Wednesday June 4th through Saturday June 7th each day from 8:00 a.m. until 12:45 a.m. at 1301 Oak Street for the Beatrice Country Club Shotgun Blast Golf Tournament.
- i. Approval of Special Designated Liquor Permit Application of Risky's II Sports Bar for May 30th from 12:00 p.m. until 1:00 a.m. at 2317 North 6th Street parking lot for Rock Against Rape fundraiser/dance.
- j. Approval to award bid for Misc. Concrete Street Repairs 2008 to R.L. Tiemann Construction in the amount of \$32,800.00 as recommended by the Board of Public Works.
- k. Approval of plans, specifications, and advertisement for bids for a new Aerial Platform Truck for the Fire department.
- l. Approval of demolition of dilapidated structures at 214 Abbott, to be completed by Ideus Landscaping & Construction in the amount of \$3,000.
- m. Approval of Interagency/Business Associate Agreement between Nebraska Dept of Health and Human Service Agencies and the City of Beatrice to comply with HIPAA requirements regarding ambulance service patient care.
- n. **Resolution Number 5025** approving installation of a pedestrian crosswalk on Ashland Avenue between Park and Carlyle Streets.

Unanimously approved the consent agenda.

A public hearing was held on the application to Nebraska Dept of Economic Development for a Community Development Block Grant which will be provided as a loan to Blue Valley Automation, Inc.

Terry Doyle, Chairman of the CDBG Reuse Advisory Committee; Terri Dageford, GCED Director; Stacen Gross, serving as CDBG Administrator on behalf of the City; and Brent Payne of BVA Inc.; appeared before the Council to explain the application for a reuse loan to be used for equipment purchases and working capital to expand BVA Inc.'s production. The total project cost is \$1,205,000, with \$900,000 funded by investors, and the remaining \$305,000 requested in CDBG funds of which an estimated \$49,665 will be from the City's program income. At the end of 6 years \$150,000 of the loan will be forgivable upon meeting the loan requirements. A lengthy discussion followed regarding the company's plans for expansion, the use of CDBG funds to compliment investor's funds, and whether a conflict of interest existed.

Unanimously approved that the public hearing be closed at 7:40 p.m.

Mayor Schuster declared a 5 minute recess at 7:40 p.m.
Reconvene at 7:46 p.m.

Mayor Schuster introduced Resolution Number 5026 authorizing the Mayor to proceed with the formulation of all documents regarding the application to Nebraska Dept of Economic Development for a Community Development Block Grant in the amount of \$305,000, which will be provided for direct assistance to Blue Valley Automation, Inc. and grant administration costs.

Councilmember Fairbanks expressed his concern that a conflict of interest existed on different levels of this and while BVA, Inc. is an excellent company he had a problem with the application. More discussion followed.

Passed and adopted Resolution Number 5026, with Councilmember Fairbanks voting Nay.

Mayor Schuster introduced Resolution Number 5027 setting the date for a public hearing to be held at 7:00 p.m., at the regular City Council meeting on Monday, May 19th, 2008, on the proposed annexation and plan.

Mayor Schuster explained that this is the start of the process to include land that is entirely surrounded by the City of Beatrice. City Administrator Niedfeldt described the area as 10 tracts of land West of Highway 77 and north of the Store Kraft property to Industrial Row, and does not include Store Kraft. The resolution includes a plan for providing City services to the area which already receives some electric and water services.

Unanimously passed and adopted Resolution Number 5027.

Mayor Schuster introduced an ordinance to close a portion of South 9th Street south of Beaver Avenue.

Unanimously approved that said ordinance be given Number 08-16, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

City Administrator Niedfeldt explained that Robert Messing and Beth VanWinkle are building a home on South 9th Street and are requesting the street closing to allow them to improvement and pave this along with their own driveway. By closing the street, not vacating it, then the City will maintain ownership of the street but will not maintain it.

Mayor Schuster read Ordinance Number 08-16 by number only the first, second and third time.

Unanimously passed and approved Ordinance Number 08-16.

Mayor Schuster introduced Resolution Number 5028 authorizing closing that portion of South 9th Street, south of Beaver Avenue, also referred to as the 1700 Block of South 9th Street, and to erect necessary signs as required in the Agreement.

Unanimously passed and adopted Resolution Number 5028.

Unanimously approved the agreement between the City of Beatrice and Beth VanWinkle and Robert E. Messing Jr. regarding the closing of the 1700 Block of South 9th Street.

Mayor Schuster introduced Resolution Number 5029 executing a Settlement Agreement between the City of Beatrice and Knowledge Marketing, joined by Tech Management.

City Attorney Templemeyer summarized the terms of the settlement agreement which has been signed by Knowledge Marketing LLC and Tech Management, and that the \$125,000 cashier's check has been presented. Discussion followed regarding the settlement with Councilmember Fairbanks speaking against it.

Passed and adopted Resolution Number 5029, with Councilmember Fairbanks voting Nay.

Councilmember Witulski requesting discussion regarding Beatrice Plus committee application procedures and meeting dates was absent so it was postponed.

Approved that the meeting be adjourned at 8:23 p.m. with Councilmember Fairbanks voting Nay.

Linda S. Koch, City Clerk

Mayor Dennis Schuster

City Claims claims approved at the 5/5/08 council meeting are:

Abbreviations used: Ex, Expenses; Fe, Fees; Ml, Mileage; Re, Reimbursement;
Se, Services; Su, Supplies; Tr, Transfers.

Alltel Cellular, Se, 444.38
Autozone, Su, 21.67
Beatrice Area Solid Waste Agency, Fe, 55,635.43
Beatrice Community Hospital, Ex, Su, 214.80
Beatrice Concrete, Su, 90.00
Beatrice Iron & Metal, Su, 12.60
Beatrice Mechanical Service, Se, Su, 628.31
Beatrice Super Market, Su, 110.00
Board of Public Works, Ex, Se, Re, Su, 58,800.41
Brown's Shoe Fit, Su, 99.95
Bryan Behrends, Se, Su, 170.68
Buster's Vacuum, Su, 8.75
Carriage Motors, Se, Su, 227.60
Cash-Wa Distributing, Su, 114.87
CDW-G, Su, 689.85
City Motor Supply, Su, 343.00
City Treas. Petty Cash, Ex, Re, Su, 125.83
City Treasurer, Ex, 13,601.23
Culligan Water Conditioning, Ex, 22.00
Deines Pharmacy, Su, 100.24
Dell Account, Ex, Su, 20,300.00
Eakes Office Products Center, Ex, Su, 335.15
Earl May Seed & Nursery, Su, 29.90
Echo Group, Su, 200.45
Encore Manufacturing, Su, 75.45
Extreme Motorsports, Su, 40.00
Filter Care, Se, 50.15
Fire Guard, Su, 89.11
Fort Dearborn Life Ins, Ex, 65.36
Global Water Instrumentation, Su, 8,753.00
Harper Brush Works, Su, 12.60
Heritage Nursery West, Su, 143.00
International Public Management, Ex, 321.50
J & L Electronics, Su, 16.46
JEO Consulting Group, Ex, 801.00
Jerry's Shoe Repair, Su, 8.00
John Trauernicht, Ex, 300.00
Johnny's Welding, Se, Su, 98.95
Kristine Gill, Re, 20.49
Lampton Welding Supply, Su, 142.63
Larry's Tire & Service, Se, 6.00
Laser Recharge, Su, 159.85
Lincoln Journal-Star, Ex, 32.40
Little Blue EMS, Ex, 25.00
Mead Building Centers, Su, 8.39
Nebr. Public Health Env Lab, Ex, 546.00
Nebr. Dept. of Revenue, Ex, 5,111.52
Nebraska Machinery, Su, 565.52
North Platte Fire/Rescue, Ex, 500.00
Northeast Auto Parts, Ex, 1,180.00
Northern Safety, Su, 835.11

Orscheln Farm & Home, Su, 9.98
Pam's Cleaning and Shampooing, Se, 1,364.00
Plymouth Electric, Ex, 1,117.50
Priority Printing, Su, 90.00
Robert L Tiemann Constr., Ex, 7,027.25
Ron's Automotive Repair, Se, Su, 1,562.52
Rose Equipment, Su, 42.35
S & S Sweeper Store, Su, 325.00
Salaries, Ex, 115,896.41
Sanitary Garbage, Ex, 43,659.95
Security Services, Se, 55.50
Shaffer Communications, Ex, Se, 101.50
Solution One (Lease, Ex, 247.00
Southeast Community College, Ex, 189.00
State Of Nebraska, Ex, 512.00
Tri-Anim, Su, 454.66
Valentino's, Ex, 89.45
VISA, Ex, Re, Su, 4,141.15
Walmart, Su, 41.43
Watkins Ace Hardware, Su, 54.52
Wrightsmen Plumbing, Su, 100.00
WW Grainger, Su, 2,101.00